

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Segura et al.

Confirmation No: 8013

Serial No.: 10/560,269

Group Art Unit: 1654

Filed: December 9, 2005

Examiner: R. Niebauer

For: Antimicrobial Peptides

RESPONSE TO OFFICE COMMUNICATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This submission is in response to the Office communication mailed January 26, 2009, which stated that "The reply filed on 10/2/08 is not fully responsive to the prior office action because of the following omission(s) or matter(s): in the reply, applicant states 'Applicants also enclose a substitute Sequence Listing'. However, no substitute Sequence Listing was found." The Office also stated that "The sequence provided in the newly amended claims require the presence of 'three amino acids RWL' at the end of SEQ ID NO: 1. The current submission presented in the case do not contain the amino acids RWL." This is respectfully traversed.

The Office is correct that Applicants did not submit a substitute Sequence Listing. However, Applicants' statement in the remarks that they were enclosing a substitute Sequence Listing was an error because a substitute Sequence Listing is not required.

The sequence SEQ ID NO: 1 in the Sequence Listing filed on April 30, 2007 has 21 amino acids. The last three amino acids are optional, either they are "RWL" or are absent. Thus, SEQ ID NO: 1 in the Sequence Listing may comprise 18 amino acid residues without RWL (as in new claim 24) or 21 amino acid residues, including RWL (as in new claim 36). Applicants therefore submit that the reply filed on 10/2/08 is complete and that no substitute sequence listing is required.

For the reasons provided in the reply filed 10/2/08, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: February 13, 2009

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